(2) (4)
SINGLE BENCH

CF 10/-

THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (C) NO. 162 OF 2007

PETITIONER
Plaintiff

Lalmani S/o Ramcharan, aged about 48 years, Caste-Kewat, R/o Village-Patharra Tahsil Pendra Road District Bilaspur (C.G.)

P.R. No. 6352
Presented by Shri Dhananjay Mishra
dated 13/11/07

VERSUS

RESPONDENT
Defendant

Gram Panchayat Patharra Through: Sarpanch Gram Panchayat Patharra, Tahsil Pendra Road, District Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(27) (26)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (c) No. 162 of 2007

Petitioner : Lalmani

Versus

Respondent : Gram Panchayat-Pathara, through Sarpanch

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Mr. Dhirendra Mishra, Advocate for the Petitioner.

ORDER

(Passed on this 14th day of February, 2007)

1. By this petition, the petitioner challenges the validity of the impugned order dated 15.12.2006 (Annexure P/1), passed by the Additional District Judge, Pendra Road, District-Bilaspur in Miscellaneous Civil Appeal No. 1/2006, filed against the order dated 4.10.2006, passed by Civil Judge, Class-I, Pendra Road, declining to grant of temporary injunction, as prayed for, in an application filed under Order-39, Rule 1 & 2.

2. The learned Appellate Court after having considered all the facts in detail have come to the conclusion that admittedly the said land is the Government land and the petitioner was granted license to plant trees and enjoy benefits. The petitioner has filed the suit without impleading the State Government as a party defendant.

3. On perusal of the order, no infirmity is noticed in the order. This Court in exercise of its power under Article 227 of the Constitution of India does not call for any interference with the impugned order, passed by the Additional District Judge, Pendra Road, District-Bilaspur.

4. The writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu